

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

METLAKATLA INDIAN COMMUNITY,
a Federally Recognized Indian Tribe,

Plaintiff,

v.

MICHAEL J. DUNLEAVY, Governor of
the State of Alaska,
DOUG VINCENT-LANG, Commissioner
of the Alaska Department of Fish and
Game, and JAMES E. COCKRELL,
Commissioner of the Alaska Department of
Public Safety,

Defendants.

Case No.: 5:20-cv-00008-SLG

**[PROPOSED] ORDER GRANTING
PARTIES' JOINT MOTIONS TO
VACATE TRIAL DATE, MODIFY
BRIEFING SCHEDULE, AND
BIFURCATE TRIAL ISSUES**

Before the Court were the parties' *Joint Motions to Vacate the Current Trial Date, Modify the Schedule, and Bifurcate Trial Issues* [Dkt. 81].

The Court finds, pursuant to Federal Rules of Civil Procedure, Rule 6(b), that good cause exists to vacate the trial scheduled in this matter for February 10, 2025 and to modify this case's pre-trial schedule.

The Court also finds, pursuant to Federal Rules of Civil Procedure, Rule 42, that the fact finding of "whether the Community holds an off-reservation fishing right in Alaska fishing districts 1 and 2" should be bifurcated from this Court's consideration of the limited entry permit program and the conservation-necessity principle.

As a result, the parties' *Joint Motions to Vacate the Current Trial Date, Modify the Schedule, and Bifurcate Trial Issues* [Dkt. 81] are GRANTED.

Consistent with the parties' joint motion the court orders the following:

- A. The trial scheduled for the week of February 10, 2025 is vacated.
- B. The Court adopts the following scheduling order, as agreed to by the parties:
 1. January 17, 2025: Expert Witness Disclosures
 2. February 17, 2025: Expert Witness Rebuttal Reports
 3. March 19, 2025: Deadline for Expert Witness Depositions
 4. Dispositive Motions Within 30 Days of Final Expert Depositions with Opposition and Reply Deadlines Set Per Local Rule 7.2(b).

- C. The Court will set a trial for five (5) days to start on:

- D. At the upcoming trial, this Court will be determining whether the Community's traditional off-reservation fishing grounds included the waters within Alaska's Districts 1 and 2. If this Court determines that the Metlakatla Indian Community's traditional off-reservation fishing grounds included any of Alaska fishing districts 1 and 2, it will schedule a hearing with the parties. At that hearing, the parties will agree to a briefing schedule and a potential trial date to address the limited entry permit program's impact and the conservation-necessity principle.

Dated _____, 2024, at Anchorage, Alaska.

Hon. Sharon L. Gleason
United States District Judge